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संख्या:- /xxxi(13)G-17(सू0अ0)/2014

AS(I)(8) JS(M) PS

प्रेषक:

सी0एम0 एस0 बिस्ट,  
सचिव,  
उत्तराखण्ड शासन।

सेवा में,

1. समस्त प्रमुख सचिव/सचिव,  
उत्तराखण्ड शासन।
3. समस्त विभागाध्यक्ष,  
उत्तराखण्ड

2. समस्त मण्डलायुक्त,  
उत्तराखण्ड।
4. समस्त जिलाधिकारी,  
उत्तराखण्ड।

सामान्य प्रशासन विभाग

विषय:-

देहरादून: दिनांक 12 मार्च, 2014

सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत आवेदकों से उनका विस्तृत व्यक्तिगत ब्यौरा न मांगे जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक कार्मिक, लोक शिकायत एवं पेशान मंत्रालय, भारत सरकार के पत्र संख्या-1/31/2013-IR दिनांक 08 जनवरी, 2014 का कृपया सन्दर्भ ग्रहण करने का कष्ट करें जो सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत मा0 उच्च न्यायालय, कौलकता में रिट पिटीशन सं0-33290/2013 श्री अविशोक गोयेन्का बनाम भारत सरकार में पारित आदेश दिनांक 20-11-2013 के सम्बन्ध में है।

2. मामले में मा0 उच्च न्यायालय, कौलकता में योजित रिट पिटीशन संख्या-33290/2013 श्री अविशोक गोयेन्का बनाम भारत सरकार में पारित आदेश दिनांक 20-11-2013 का कार्यकारी आदेश निम्नवत उद्धरित है-

We have considered the relevant provisions of the statute. Section 6(2) of the Right to Information Act, 2005 would clearly provide, an applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

Looking to the said provision, we find logic in the submission of the petitioner. When the legislature thought it fit, the applicant need not disclose any personal detail, the authority should not insist upon his detailed whereabouts particularly when post box number is provided for that would establish contact with him and the authority.

AS/AS/M  
DS/K

विनायक चन्द राय  
अपर सचिव  
सामान्य प्रशासन  
उत्तराखण्ड शासन

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In case, the Authority would find any difficulty with the post box number, they may insist upon personal details. However, in such case, it would be the solemn duty of the authority to hide such information and particularly from their website so that people at large would not know of the details.

We thus dispose of this writ petition by making the observations as above. The Secretary, Ministry of Personnel should circulate the copy of this order to all concerned so that the authority can take appropriate measure to hide information with regard to personal details of the activist to avoid any harassment by the persons having vested interest.

3. इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि मा० उच्च न्यायालय, कोलकता के उपर्युक्त आदेशों का सूचना का अधिकार अधिनियम, 2005 के अन्तर्गत अनुपालन सुनिश्चित कराने का कष्ट करें।  
संलग्नक:- यथोपरि।

भवदीय,

(सी०एम०एस० बिष्ट)  
सचिव

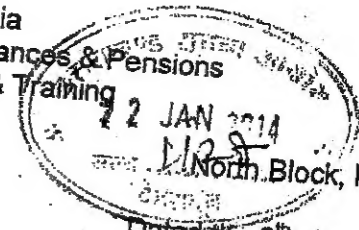
संख्या:- 432 / xxxi(13)G-2013-17(सू०अ०) / 2014 तददिनांक।  
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- सचिव, उत्तराखण्ड सूचना आयोग, देहरादून।
- 2- समस्त लोक सूचना अधिकारी/विभागीय अपीलीय अधिकारी, उत्तराखण्ड शासन।
- 3- समस्त अनुभाग अधिकारी, उत्तराखण्ड शासन।
- 4- निदेशक, एन०आई०सी०, सचिवालय परिसर को विभागीय वेबसाईट में अपलोड करने के अनुरोध सहित प्रेषित।
- 5- गार्ड फाइल।

आज्ञा से,

(विदीराम)

संयुक्त सचिव



Dated the 8<sup>th</sup> January, 2014

**OFFICE MEMORANDUM**

Subject : Order dated 20.11.2013 of the High Court of Kolkata in Writ Petition No. 33290 of 2013 in the case of Mr. Avishek Goenka Vs Union of India regarding personal details of RTI applicants - circulation of.

In compliance of the directions of the Hon'ble High Court of Kolkata in its said order, a copy of the judgement (order) is enclosed herewith for appropriate action.

This may be brought to the notice of all concerned.

Sandeep Jain  
(Sandeep Jain)  
Director  
Tele: 23092755

1. All Ministries / Departments of the Government of India
2. Union Public Service Commission / Lok Sabha Sectt. / Rajya Saha Sectt. / Cabinet Sectt. / Central Vigilance Commission / President's Secretariat / Vice President's Sectt. / Prime Minister's Office / Planning Commission / Election Commission
3. Central Information Commission / State Information Commissions
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All Officers/Desks/Sections/Department of Personnel & Training, the Department of Administrative Reforms and Department of Pension & Pensioners' Welfare.

Copy to: Chief Secretaries of all the States/UTs.

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मो मुक्त धरणी अखिल  
के अखिलधरणी  
अखिल

देवा, 120 मा.  
मो मुक्त के अखिल  
पुलितिक विम  
जाते है अखिल  
अखिल धरणी के अखिल  
अखिल  
24/1/14

R.O.  
क. ए. ए. ए. ए. ए.  
अखिलधरणी के  
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ns 20.11.  
2013

W.P. 33290(W) of 2013

Mr. Avishek Goenka .... petitioner (in person).

Mr. Asish Kumar Roy,  
Ms. Gargi Mukherjee .... For the respondents.

The petitioner is appearing in person.

The writ petitioner claiming to be an activist in the field of right to information, has approached us by filing the present writ petition with the prayer, the authority should not insist upon the detailed address of the applicant as and when any application is made under the Right to Information Act. He apprehends, the interested parties would cause a threat to the activist and in fact there had been past incidents of unnatural deaths of activist in the field, presumably by the interested persons having vested interest to conceal the information that is asked for by the activist.

The petitioner submits, the authority may not insist upon the detailed address particularly when the applicant would provide a particular post box number that would automatically conceal their identity to the public at large.

✓ We have considered the relevant provisions of the statute. Section 6(2) of the Right to Information Act, 2005 would clearly provide, an applicant making request for information **shall not be** required to give any reason for requesting the information or any other **personal details** except those that may be necessary for contacting him.

Looking to the said provision, we find logic in the submission of the petitioner. When the legislature thought it fit, the applicant need not disclose any personal detail, the authority should not insist upon his